

Goldberg & Associates

VIA ECF

April 1, 2020

Honorable Katherine Polk Failla
U.S. District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 1007

MEMO ENDORSED

Re: Plaintiffs' Letter Motion for Leave to File Under Seal the
Exhibits in Support of the Complaint in Their Entirety
Alnajjar, et al. v. Pompeo, et al.
Docket No. 1:20-cv-02665-KPF

Dear Judge Polk Failla:

This office represents Plaintiffs in the referenced matter. On March 31, 2020, Plaintiffs filed their Complaint (see Dkt. 4). Plaintiffs respectfully seek leave to file their exhibits in support of their Complaint under seal in their entirety. Plaintiffs rely on FRCP 5.2(a)(1)-(3), the E-Government Act of 2002, the Southern District's ECF Privacy Policy, and Your Honor's Individual Rules on Practice in Civil Cases, Rules 9(B)(i)-(ii) and 9(C)(i).

The Exhibits contains several pieces of sensitive information¹ including but not limited to the names of minor children, dates of birth, and home addresses (see attached, Plaintiffs' Exhibit List). Four of the six named-party Plaintiffs are minor children.² The inclusion of sensitive information is necessary under the scope of relief sought in the Complaint. This sensitive information is dispersed throughout nearly every exhibit³ making it modestly sensible to seal the exhibit list in its entirety.

Plaintiffs seek leave cautiously as filing under seal must be narrowly tailored to serve the purpose justifying the sealing and must be otherwise consistent with the presumption in favor of public access to judicial documents. *See, e.g.,* Lugosch v. Pyramid Co. of Onondaga, 435 F.3d

¹ The five categories of sensitive information, names of minor children, dates of birth, financial account numbers, and home addresses. *See* FRCP 5.2(a)(1)-(4).

² E.A. T.A., H.A., and D.A. are minor children.

³ There is no sensitive information contained in five (5) Exhibits (Exhibits MM-QQ).

110, 119-20 (2d Cir. 2006). Recognizing this presumption, Plaintiffs contend the purpose of seeking leave is to preserve and protect Plaintiffs' sensitive information from being accessible to

the public and no justification favors the public access to such sensitive information. FRCP 5.2 provides that sensitive information must be redacted from public court filing

Plaintiffs respectfully request that the Court enter an Order granting Plaintiffs leave to file their Exhibits under seal in their entirety.

Respectfully submitted,

/s/ Julie Goldberg
Julie A. Goldberg, Esq.
GOLDBERG & ASSOCIATES

Attorney for Plaintiffs

Application GRANTED. The exhibits to the Complaint contain sensitive information, including identifying information concerning certain Plaintiffs who are minors. Accordingly, the Plaintiff may file these exhibits under seal, viewable to the Court and parties only.

Dated: April 3, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE